

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

VIRAL CLEM

Plaintiff

VS.

WEST MEMPHIS, ARKANSAS, ET
AL.

Defendants

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NO: 3:07CV00051 SWW

ORDER

On April 7, 2008, Defendants filed a motion to stay this case (docket entry #15). The time for responding has passed, and Plaintiff has not filed a response. After careful consideration, and for the reasons that follow, the motion to stay will be denied.

In support of their motion, Defendants state that Separate Defendant Devin Reynolds is currently in Afghanistan, serving as a civilian contractor for the Department of Defense. The Servicemembers Civil Relief Act of 2003 (“SCRA”), formerly known as the Soldiers’ and Sailors’ Civil Relief Act of 1940, provides that a “servicemember” who is either the plaintiff or the defendant in a civil lawsuit may request a stay of a court proceeding in which he or she is a party. *See* 50 App. U.S.C. § 522. The SCRA applies only to persons in military service, and the Court finds no authority providing that employees of government contractors qualify as persons in military service under the Act. Additionally, Defendants’ motion for a stay does not meet the

statutory requirements set forth in 50 App. U.S.C. § 522(b).

The Court finds that a stay is not warranted pursuant to the SCRA. Apart from the SCRA, a stay may be entered under appropriate circumstances at the discretion of the Court. However, Defendants do not contend that this case cannot proceed without the presence of Defendant Reynolds, and the Court finds no basis for a stay.

IT IS THEREFORE ORDERED that Defendants' motion for a stay (docket entry #15) is DENIED.

IT IS SO ORDERED THIS 15th DAY OF MAY, 2008.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE